

EXHIBIT C

Subject: Re: Civitano v. PamRob, et al.
From: Clif Bennette (cbennette1@verizon.net)
To: kberg@gouldberglaw.com;
Date: Wednesday, October 17, 2018 11:13 AM

Kim,

I'll have it to you by Monday. Thanks for your patience.

Regards,

Clif

From: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Reply-To: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Date: Tuesday, October 16, 2018 at 10:53 AM
To: Clif Bennette <cbennette1@verizon.net>
Subject: Re: Civitano v. PamRob, et al.

Clif,

I am following up to see what the status is at this point. Please let me know when I can expect all of the outstanding discovery responses. I am concerned that a lot of time has passed and I need to bring this to the attention of Judge Seibel if it is not going to be completed for some time.

Thank you,

Kim

Kim Berg, Esq.
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From: Clif Bennette <cbennette1@verizon.net>
To: "Kim Berg, Esq." <kberg@gouldbergllaw.com>
Sent: Friday, October 12, 2018 8:57 AM
Subject: Re: Civitano v. PamRob, et al.

Kim,

I haven't forgotten, I'm struggling with migraines. Will complete as soon as able.

Clif

From: "Kim Berg, Esq." <kberg@gouldbergllaw.com>
Reply-To: "Kim Berg, Esq." <kberg@gouldbergllaw.com>
Date: Wednesday, October 3, 2018 at 9:41 PM
To: Clif Bennette <cbennette1@verizon.net>
Subject: Re: Civitano v. PamRob, et al.

Clif,

I am looking for the complete responses to my discovery requests as indicated in my prior email to you of September 19, 2018 (see below in the email chain accompanying this email). Given your medical issue I am willing to extend the time to correct this and supply complete responses by one additional week to 10/10/18.

Thank you,
Kim

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From: Clif Bennette <cbennette1@verizon.net>
To: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Sent: Wednesday, October 3, 2018 6:18 PM
Subject: Re: Civitano v. PamRob, et al.

Kim,

I'm sorry. It was "nip and tuck" for a few days but I'm better now so should have called or emailed. It seems a discovery document from another case was sent. I apologize for that.

As a general rule, everyone wants what is due ASAP and that is my assumption here. But sometimes corrected discovery is just as good if received later rather than ASAP. Please let me know if that is the case so I can plan accordingly.

Best regards,

Clif

PS There appears to be a problem with email address clif@bennettelaw.com. So, please use my personal account <cbennette1@verizon.net>. Thanks.

From: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Date: Wednesday, October 3, 2018 at 4:32 PM
To: Clif Bennette <cbennette1@verizon.net>
Subject: Fw: Civitano v. PamRob, et al.

Clif,

I did not hear back from you in response to my email below. Please advise of the status of your ability to provide me with corrected discovery.

Thank you
Kim

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----- Forwarded Message -----

From: "Kim Berg, Esq." <kberg@gouldberglaw.com>
To: Clif Bennette <cbennette1@verizon.net>
Sent: Monday, October 1, 2018 12:16 PM
Subject: Re: Civitano v. PamRob, et al.

Clif,

I hope you are feeling better. Please let me know your intentions with completing the discovery and correcting the issues.

Thank you,
Kim

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From: Clif Bennette <cbennette1@verizon.net>
To: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Sent: Saturday, September 29, 2018 1:16 PM
Subject: Re: Civitano v. PamRob, et al.

Kim,

I had planned to cure the discovery issues this weekend but am currently medically unable. If I am better tomorrow, I believe I will meet our 1 week deadline. Otherwise, I'd like to take a few extra days (depending on when I'm recover).

Clif

From: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Reply-To: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Date: Tuesday, September 25, 2018 at 4:59 PM
To: Clif Bennette <cbennette1@verizon.net>
Subject: Re: Civitano v. PamRob, et al.

Thank you

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From: Clif Bennette <cbennette1@verizon.net>
To: Kim Berg <kberg@gouldberglaw.com>
Sent: Tuesday, September 25, 2018 4:49 PM
Subject: Re: Civitano v. PamRob, et al.

Kim,

Per our conversation today, I briefly reviewed the objections below. To the extent I'm able, I will address all your concerns by 10/3. Regarding the Settlement Conference, we are confirmed for 10/30 at 2:30 pm.

Best regards,

Clif

From: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Reply-To: "Kim Berg, Esq." <kberg@gouldberglaw.com>
Date: Wednesday, September 19, 2018 at 3:53 PM
To: Clif Bennette <cbennette1@verizon.net>, Cliffith Bennette <clif@bennettelaw.com>
Subject: Civitano v. PamRob, et al.

Clif,

I am writing per the discovery practices order to raise disputes and objections that I have with respect to the discovery you have served upon me thus far. These defects are noted below. Per the Procedures for Discovery Disputes set forth in the Civil Case Discovery Plan and Scheduling Order, if we do not resolve these issues within the next five business days, I will write to Judge Seibel.

1. We have not received responses to Defendants' First Request for Production of Documents.
2. The "interrogatories" that you emailed on September 17, 2018 are not valid for each of the following reasons: a) do not have a caption, b) do not comply with the FRCP Rule 33 as they are not verified by Plaintiff, c) are not signed by you as required by FRCP Rule 11 d) you have not provided all of the information required by Local Rule 26.3 with regard to each of the individuals identified in that you are required to provide home and business address information; and e) in response to request 25 I am unclear what you mean by mandatory names already supplied so please amend the interrogatory answer to identify specifically the document to which you are referring.

3. I am unclear what the Update Rule 23 List is that you emailed on September 17, 2018. Is this an amended Rule 26 Disclosure (not Rule 23 as indicated)? If so, then it too needs to have a caption as such and is defective in that it is not signed by you per Rule 11. I also note that your original Rule 26 Disclosure was not signed as required by Rule 11 so please provide with a signed copy.
4. Your email of September 17, 2018 "Affidavit of Devon Morris" the document attached is not an affidavit. That being said, what is the attachment being provided for? Is this another amendment to the Rule 26 Disclosure? Please clarify and amend your disclosure accordingly if you feel it is necessary.
5. Due to the Yom Kippur, my client is unavailable until tomorrow so I will let you know as soon as I hear from her about the proposed October 30th date for a settlement conference with Judge Davison.
6. Finally, I must note my concerns with the manner in which you attempted to contact the Court yesterday by email to Alice Cama, who previously was Judge Seibel and not Judge Davison's assistant and has retired. In addition, as I relayed to Lori from Judge Davison's chambers during our conference call with her yesterday, you did not accurately convey information about the dates and requested adjournments. For the record, and I repeat what I said yesterday in the call with Lori, you made a representation in writing to the Court on August 24, 2018 that September 25th was a date that we could select to adjourn the conference to AND you affirmed that in a verbal conversation with me as well. Based on that representation in your letter to the Court, my client modified an important scheduling conflict on 9/25 to then find out that your client was not available because, according to you, you never checked with her. I am outraged by the manner in which this was handled and the significant inconvenience you have caused to both me and my client, not to mention the Court. Thus, I too must agree with Lori from Judge Davison's chambers and request that before the conference is adjourned to another date you make sure that your client is available.

Thank you,
Kim

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